

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Christopher Don Gray**

**Docket No. 5:10-CR-219-1BO**

**Petition for Action on Supervised Release**

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Christopher Don Gray, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute 50 Grams or More of Cocaine Base (Crack) and a Quantity of Cocaine, in violation of 21 U.S.C. § 846, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on April 19, 2011, to the custody of the Bureau of Prisons for a term of 120 months. Upon a motion of the defendant under 28 U.S.C. § 2255, the sentence was reduced to 60 months on June 17, 2014. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 5 years under the standard conditions adopted by the court.

Christopher Don Gray was released from custody on December 18, 2014, at which time the term of supervised release commenced.

Due to the defendant testing positive for cocaine on January 23, 2015, the court modified his conditions on February 11, 2015, to include the following special conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On May 14, 2015, the defendant tested positive for cocaine, which was confirmed through laboratory analysis on May 26, 2015. During a home inspection on May 28, 2015, the defendant signed an admission of drug use form acknowledging that he used powder cocaine on May 13, 2015. Additionally, he has failed to attend treatment as instructed. As a sanction for these violations, we are recommending that he be placed on the home detention program for a period of 60 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**Christopher Don Gray**  
**Docket No. 5:10-CR-219-1BO**  
**Petition For Action**  
**Page 2**

3. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield  
Dwayne K. Benfield  
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith  
Dewayne L. Smith  
U.S. Probation Officer  
201 South Evans Street, Room 214  
Greenville, NC 27858-1137  
Phone: 252-758-7200  
Executed On: June 1, 2015

**ORDER OF COURT**

Considered and ordered this 4 day of June, 2015, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle  
Terrence W. Boyle  
U.S. District Judge